

Leo Glickman

From: Leo Glickman
Sent: Thursday, July 27, 2017 12:17 PM
To: 'Denise Buckley'
Subject: RE: Mousseau

What is the meaning of this sentence? This is not a confirmation, in fact, it explicitly says it is not confirmed by him. "I am aiming to schedule Supt. Racette's deposition for August 1st at 11 am, subject to confirmation by him." There was no follow up from you until Tuesday. Yesterday, I told you I couldn't.

You never confirmed his availability until this past Tuesday (2 days ago), and I never said that date would work for me. You have cancelled four scheduled depositions (so far). After tomorrow, I would have made four separate trips to participate in four separate depositions.

Look Denise, I am a human being and it is not my intention to make things difficult for people when they are dealing with difficult situations in their personal lives. But to tell me he's "out of town" on the 18th, but can do the 20th. Then cancel him. Then wait two weeks to confirm a date which makes no sense for me for next week. Then tell me that he can't be available one single day for 2 months is a little absurd. In my emails to you yesterday, I demonstrated just how available I have made myself to accommodate you and your client's schedules. I told you whatever day you wanted to complete Burks' deposition over the course of a week was fine with me. I made myself available for depositions, starting with plaintiff, the entire weeks of July 10, 17 and 24. I am willing to work with you and Racette, but that I have to jump every time for your clients and do a 5 hour round trip is a lot to ask.

Moreover, I don't know about you, but it takes me many hours to prep for these depositions. This past weekend, I spend most of Saturday and part of Sunday preparing Kirkpatrick's deposition. I can assure you, Supt. Racette is not the only person with a family that has needs. And all of that was wasted. That's just to name one thing.

I have so much other work to catch up on next week, and I have conferences scheduled in court in New York on Aug. 2 and 3. That is where I'm at.

I am asking you Denise to try a little to see things from my perspective too. I think I have amply demonstrated my willingness to work with you and your clients and their schedules. And yes, I do appreciate your consent to my vacation, and understand, I am more than willing to accommodate you and your clients' reasonable needs. But saying that Racette cannot and will not appear the entire months of September and October, and can only appear on this one day is a bridge too far. Again, please try to see this from my perspective.

Also however, should you write the court with this request, I intend to ask for sanctions against your clients for the litany of issues they have caused in this litigation. I truly want to complete this litigation in a cooperative and collegial manner, but to demand today that I show up on August 1 would require a response from me.

Let me know what you think Denise, and I will see you tomorrow.

Leo Glickman
Stoll, Glickman & Bellina, LLP
718-852-3710
www.stollglickman.com

Brooklyn office: Uptown Manhattan Office:
475 Atlantic Ave., 3rd Floor 5030 Broadway, Ste. 652

Brooklyn, NY 11217

New York, NY 10034

From: Denise Buckley [mailto:Denise.Buckley@ag.ny.gov]
Sent: Thursday, July 27, 2017 11:44 AM
To: Leo Glickman <lglickman@stollglickman.com>
Subject: RE: Mousseau

Leo,

That's not correct. I spoke with you on July 17th and e-mailed you later that same morning about setting up Supt. Racette's deposition for August 1st. See attached. You voiced no objection to proceeding with Supt. Racette's deposition on August 1st until today.

I understand from speaking with you this morning that you are available on August 1st, but you are nevertheless objecting to Supt. Racette's deposition proceeding despite the fact that Supt. Racette has no availability in September and he made special arrangements to make himself available in Albany on August 1st.

Please let me know if you will reconsider your position so that I may avoid having to write to the court.

Best regards,

Denise Buckley | Assistant Attorney General
Litigation Bureau
NYS Office of the Attorney General
State Capitol | Albany, NY 12224
Tel: (518) 776-2294 | Fax: (518) 915-7738 | denise.buckley@ag.ny.gov

From: Leo Glickman [mailto:lglickman@stollglickman.com]
Sent: Thursday, July 27, 2017 11:13 AM
To: Denise Buckley <Denise.Buckley@ag.ny.gov>
Subject: FW: Mousseau

This was the first time you confirmed Racette's availability. Two days ago. I responded to you the next day.

From: Denise Buckley [mailto:Denise.Buckley@ag.ny.gov]
Sent: Tuesday, July 25, 2017 4:09 PM
To: Leo Glickman <lglickman@stollglickman.com>

Cc: Pepper, Joshua (DOCCS) <Joshua.Pepper@doccs.ny.gov>

Subject: RE: Mousseau

Leo,

The attachment did not come through. Please try re-sending it.

Your e-mail below is the first notice I received of Investigator Mousseau's deposition. After receiving it, I spoke with Josh Pepper at DOCCS' Counsel's office (copied to this e-mail). Please contact Josh (tel 518-457-4951) to discuss Investigator Mousseau's deposition. I understand from speaking with Josh that he and another colleague from DOCCS' Counsel's office have left you messages advising that this Friday is not suitable, but Thursday would suit. Please contact Josh directly to discuss and try to agree suitable arrangements. I can't set up Investigator Mousseau's deposition, but I would like to attend, so I would be grateful if you would schedule it so that it does not coincide with the party depositions in this matter.

Officer Nolan's deposition is taking place in this matter on Friday at 1pm at 90 State Street in Albany. Retired Supt Racette's deposition is scheduled to take place on August 1st at 1pm in Albany. Officer Chamberlain is available for deposition on August 3rd at 1pm. I don't recall if you confirmed the Chamberlain deposition, but that was one of the dates you mentioned you were available. Presumably these depositions will be at 90 State Street again? Please confirm.

Best regards,

Denise Buckley | Assistant Attorney General

Litigation Bureau

NYS Office of the Attorney General

State Capitol | Albany, NY 12224

Tel: (518) 776-2294 | Fax: (518) 915-7738 | denise.buckley@ag.ny.gov

From: Leo Glickman [<mailto:lglickman@stollglickman.com>]

Sent: Tuesday, July 25, 2017 3:32 PM

To: Denise Buckley <Denise.Buckley@ag.ny.gov>

Subject: Mousseau

We successfully served the subpoena on Shawn Mousseau on Monday, July 17. See attached. Have you been contacted by him? Will you be representing him? I will have an attorney in Kingston, NY at 11 am to depose him on Friday. If you would want to make some other arrangement, please let me know by end of day today.

Leo Glickman

Stoll, Glickman & Bellina, LLP

5030 Broadway, Ste. 652

New York, NY 10034

475 Atlantic Avenue, 3rd Floor

Brooklyn, NY 11217

P: 718-852-3710

F: 718-852-3586

www.stollglickman.com

IMPORTANT NOTICE: This e-mail, including any attachments, may be confidential, privileged or otherwise legally protected. It is intended only for the addressee. If you received this e-mail in error or from someone who was not authorized to send it to you, do not disseminate, copy or otherwise use this e-mail or its attachments. Please notify the sender immediately by reply e-mail and delete the e-mail from your system.